

October 20, 2023

By ECF

The Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Basciano v. United States*, Nos. 17-CV-3815; 05-CR-060 (NGG)

Dear Judge Garaufis:

The parties respectfully submit this joint letter in connection with defendant Vincent Basciano's petition for collateral relief filed in this case, pursuant to 28 U.S.C. § 2255 (05-CR-060, Dkt No. 1419), to propose a schedule for the resolution of such petition. The parties respectfully request that the Court orders the Government's Response to Basciano's petition to be filed by March 1, 2024 and that Basciano's Reply be filed by April 19, 2024.

The parties respectfully submit that once the Court receives such filings, it will be better positioned to decide whether any further litigation should be scheduled for the resolution of Basciano's petition, including whether an evidentiary hearing shall be conducted.

As of this filing, the Government has received all previously sealed transcripts in the defense's possession and it continues to be in contact with the Court Reporters Office regarding two outstanding trial transcripts. The Government has also maintained contact with Basciano's trial counsel concerning their potential filing of a *Sparman* affidavit to address the ineffectiveness claims, which will likely be resolved once a complete trial record is obtained. Notwithstanding those open matters, the Government expects that the proposed schedule would provide it sufficient time to obtain all necessary trial transcripts, to resolve whether trial counsel will provide the Government an affidavit to address the ineffectiveness claims, and to file a response to Basciano's petition. Should the Government need more time, it will timely consult with the defense and seek a joint modification of the proposed schedule with the Court. The defense also expects that the proposed schedule would allow enough time to provide Mr. Basciano with a copy of the Government's response and set up legal calls with Mr. Basciano, who is housed at USP Coleman (Sumterville, FL), to coordinate its Reply.

The Court's time and consideration of the proposed schedule are appreciated.

Respectfully submitted,

/s/ Jack Dennehy
Jack Dennehy
Assistant U.S. Attorney

/s/ Anthony DiPietro
Anthony DiPietro, Esq.
Counsel to Vincent Basciano